

Message Text

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COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: SUMMARY WEEK ENDING AUGUST 1

FROM US DEL LOS; DEPT PLEASE PASS ALL DIPLOMATIC POSTS EXCEPT
CARACAS; USIA FOR IPS AND IBS

1. SUMMARY: MAJOR EVENTS OF WEEK WERE (A) STRONG PLENARY
STATEMENT BY MEXICAN PRESIDENT ECHEVARRIA ELABORATING ON THEME
THAT NEW LAW OF THE SEA MUST BE STRUCTURED TO HELP DEVELOPING
STATES OVERCOME ECONOMIC GAP; (B) INTRODUCTION IN PLENARY BY
CANADA ON BEHALF OF NINE SPONSORING STATES OF COASTAL STATE
WORKING PAPER ON ECONOMIC ZONE AND RELATED MATTERS; AND (C)
CONFERENCE PRESIDENT AMERASINGHE'S PROPOSAL THAT WE WORK
ON STATEMENT OF RESULTS OF CONFERENCE IN TREATY TEXT FORM,
AND SUGGESTION OF SPRING 1975 FOR PROPOSED VIENNA SESSION.

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AMB STEVENSON MADE STATEMENTS IN PLENARY RE WORK PROGRAM AND

IN COMMITTEE II IN RESPONSE TO CANADIAN PAPER. END SUMMARY.

2. PLENARY:

A. ECHEVARRIA STATEMENT REFLECTED VIEWS OF MOST LATIN DELS AND OTHER ADVOCATES OF COMPREHENSIVE COASTAL STATE JURISDICTION IN ECONOMIC ZONE. HE ENDORSED PATRIMONIAL SEA CONCEPT OF EXCLUSIVE COASTAL SITE SOVERIGNTY OVER ALL RESOURCES IN 200 MILE ECONOMIC ZONE INCLUDING HIGHLY MIGRATORY SPECIES; HOWEVER, HE ALSO SAID COASTAL STATE SHOULD GRANT LICENSES TO OTHER STATES UNDER REASONABLE CONDITIONS IF COASTAL STATE UNABLE TO TAKE MAXIMUM SUSTAINABLE YIELD OF FISH AND ALSO ACKNOWLEDGED NEED FOR REGIONAL AGREEMENTS ON EXPLOITATION AND DISTRIBUTION OF HIGHLY MIGRATORY FISH CATCH. HE ALSO SUPPORTED EXERCISE BY COASTAL STATE OF SOVEREIGN RIGHTS TO RESOURCES OF THE CONTINENTAL SHELF TO THE OUTER LIMIT OF CONTINENTAL MARGIN OR 200 MILES, AT OPTION OF COASTAL STATE,

AND CALLED FOR INTERNATIONAL AUTHORITY TO ADMINISTER DIRECTLY WEALTH OF DEEP SEABED.

B. ORGANIZATION OF WORK: CONFERENCE PRESIDENT AMERASINGHE SAID THAT PROGRESS OF WORK MADE IT APPARENT THAT CONCLUSION OF TREATY AT THIS SESSION IMPROBABLE AND SUGGESTED EFFORT TO PRODUCE "STATEMENT OF AGREEMENT" ON KEY OF BASIC ISSUES WHICH WOULD BE MORE SUBSTANTIVE THAN A DECLARATION OF PRINCIPLES. HOWEVER, DEBATE WAS INCONCLUSIVE WITH GENERAL TREND TOWARD AVOIDING DECLARATION OR STALEMATE AND DEVOTING MAXIMUM EFFORT TO COMMITTEE WORK AND DRAFTING OF ACTUAL TREATY ARTICLES. CONFERENCE PRESIDENT ALSO RECOMMENDED NEXT SESSION IN SPRING OF 1975 INSTEAD OF SUMMER AND POSSIBILITY RAISED OF TWO SESSIONS IN 1975. STEVENSON, IN CLOSED PLENARY SESSION, STRONGLY PRESSED NEED TO ACHIEVE SIGNIFICANT RESULTS AT THIS SESSION AND AGREED WITH STATEMENT OF THE PRESIDENT AND OTHER SPEAKERS THAT DECLARATION OF PRINCIPLES WOULD BE ADMISSION OF FAILURE IN ACHIEVING MANDATE OF DRAFTING TREATY ARTICLES AND ALSO CONTRIBUTE TO FAILURE BY DIVERTING EFFORTS OF REMAINING WEEKS. AMB STRESSED DIFFICULTY WITH SO CALLED "HORIZONTAL APPROACH" OF ACHIEVING AGREEMENT ON KEY ARTICLES ON ALL MAJOR AREAS WITHOUT DETAILED PROVISIONS AND SAID IN US VIEW THAT SUCH EFFORT WOULD OBSCURE THE REAL ISSUES BY DESCRIBING JURISDICTION OF THE COASTAL UNCLASSIFIED

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STATE OR OF THE SEABED AUTHORITY WITHOUT INDICATING CORRELATIVE LIMITATIONS AND DUTIES. US VIEW WAS THAT EFFORT SHOULD CONCENTRATE ON SELECTED ISSUES WITHIN A PARTICULAR SUBJECT MATTER ON WHICH CONFERENCE SHOULD NEGOTIATE IN DEPTH. FINALLY, STEVENSON SAID THAT WHILE US DEL AND OTHERS HAVE PRESENTED SOME IDEAS OF WHERE AREAS OF ACCOMMODATION MAY BE FOUND, OTHERS HAVE STOOD GROUND OR MOVED IN OPPOSITE DIRECTION. HE URGED SERIOUS NEGOTIATIONS WITHOUT FURTHER DELAY.

C. CANADIAN PAPER: CANADA ON BEHALF OF NINE SPONSORS (CHILE, ICELAND, INDIA, INDONESIA, MAURITIUS, MEXICO, NEW ZEALAND, AND NORWAY) INTRODUCED WORKING PAPER WHICH THEY INTENDED AS POSSIBLE FRAMEWORK FOR DISCUSSION. PAPER WAS RECEIVED IN PLENARY OVER HEAVY PROCEDURAL OBJECTIONS OF LANDLOCKED AND OPPONENTS OF ARCHIPELAGO CONCEPT AND REFERRED WITHOUT DEBATE TO COMMITTEE II. TEXT INCLUDES INTER ALIA 12 MILE TERRITORIAL SEA, DEFINITION OF ARCHIPELAGOS CONCERNING BOTH ISLAND AND CONTINENTAL NATIONS, AND PROVISIONS FOR INNOCENT PASSAGE THROUGH ARCHIPELAGIC WATERS WITH NOTATION THAT FURTHER ARTICLES WOULD BE REQUIRED RE PASSAGE THROUGH SPECIFIED SEA LANES OF ARCHIPELAGO. MAIN THRUST OF PAPER WAS ON COASTAL STATE SOVERIGN RIGHTS OVER RESOURCES IN 200 MILE "EXCLUSIVE ECONOMIC ZONE," AND OTHER RIGHTS AND DUTIES IN ZONE TO BE SPECIFIED REGARDING POLLUTION AND SCIENTIFIC RESEARCH. RE NAVIGATION ARTICLES PROVIDED FOR FREEDOM OF NAVIGATION AND OVERFLIGHT IN ECONOMIC ZONE SUBJECT TO EXERCISE BY COASTAL STATES OF ITS RIGHTS IN ZONE. ARTICLES FURTHER PROVIDED THAT SOVERIGN RIGHTS OF COASTAL STATE OVER THE CONTINENTAL SHELF FOR PURPOSE OF EXPLORATION AND EXPLOITATION OF NATURAL RESOURCES THROUGHOUT THE NATURAL PROLONGATION OF ITS LAND TERRITORY WHERE SUCH PROLONGATION EXTENDS BEYOND 200 MILES. ARTICLES CONTAINED SUBSTANTIVE GAPS NOTABLY WITH RESPECT TO STRAITS AND DUTIES OF COASTAL STATES IN ECONOMIC ZONE.

3. COMMITTEE I (DEEP SEABED REGIME): DISCUSSIONS IN COMMITTEE DEALT WITH PROPOSALS FOR EXPLOITATION SYSTEM AND WITH QUESTIONS RAISED BY INTRODUCTION OF SYG'S REPORT ON ECONOMIC IMPLICATIONS. GROUP OF 77 SPONSORED TEXT ON ARTICLE 9, THE EXPLOITATION SYSTEM, WHICH EMBODIED FLEXIBILITY OF AUTHORITY TO DECIDE ON APPROPRIATE METHOD OF EXPLOITATION, PROVIDED EFFECTIVE CONTROL OVER ACTIVITIES WAS RETAINED. GROUP OF 77 CHAIRMAN UNCLASSIFIED

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INDICATED THAT DELS WERE NOT WEDDED TO EXACT LANGUAGE OF TEXT IN APPROACHING NEGOTIATIONS AND INDEED SEVERAL REPS HAVE PRIVATELY INDICATED DESIRE TO BEGIN SERIOUS NEGOTIATIONS ON EXPLOITATION SYSTEM. SECRETARY GENERAL'S REPORT ON ECONOMIC IMPLICATIONS PRECIPITATED SERIES OF QUESTIONS AND ANSWERS INDICATING GROWING UNCERTAINTY ON PART OF NUMBER OF DELS CONCERNING ADEQUACY OF AVAILABLE DATA FOR MAKING DECISIONS ON THIS ISSUE. SEVERAL DELS EMPHASIZED NEED FOR SYSTEM TO PROTECT CONSUMER INTERESTS AS WELL AS THOSE OF LAND BASED PRODUCERS. TWO INFORMAL SEMINARS ON ECONOMIC IMPLICATIONS PROVIDED OPPORTUNITY TO DISCUSS EFFECTS ON CONSUMERS AS WELL AS LAND BASED PRODUCERS. US INTRODUCED WORKING PAPER ON PROBABLE EFFECTS OF DEEP SEABED MINING ON MARKETS FOR COPPER, NICKEL, MANGANESE, AND COBALT.

4. COMMITTEE II: TERRITORIAL SEA, STRAITS, ECONOMIC ZONE
ETC: CII DEBATED CONTINENTAL SHELF AND ECONOMIC ZONE AND HAD
INCONCLUSIVE INFORMAL MEETING ON STRAITS.

A. CONTINENTAL SHELF: DURING REPORTING PERIOD NEARLY 50
SPEAKERS PARTICIPATED IN DISCUSSION ON ITEM 5 OF LIST OF SUBJECTS
AND ISSUES-- CONTINENTAL SHELF. DIVERGENT VIEWS ON
DELIMITATION OF OUTER BOUNDARY OF CONTINENTAL SHELF WAS MAJOR
THEME. TWENTY SIX DELEGATES (MAINLY FROM LATIN AMERICA, ASIA
SOME WEO PLUS MAURITIUS) SUPPORTED JURISDICTION OVER NATURAL
PROLONGATION OF LAND TERRITORY (CONTINENTAL MARGIN) WHERE IT
EXTENDS BEYOND 200 MILES. EIGHTEEN DELEGATES (AFRICAN, GEOGRA-
PHICALLY DISADVANTAGED JAPAN) SUPPORTED STRAIGHT 200 MILE
LIMIT, AND OPPOSED JURISDICTION BEYOND.
USSR PROPOSED FURTHER SEAWARD OF 200 MILES OR 500 METER DEPTH
CONTOUR. JAMAICA CALLED FOR NEGOTIATION TO HARMONIZE
DIFFERENCES AND REFERRED TO REVENUE SHARING FROM CONTINENTAL
SHELF AS POSSIBLE VEHICLE FOR ACCOMMODATION. TRINIDAD AND
TOBAGO AND GHANA ALSO MADE FAVORABLE REFERENCE TO REVENUE
SHARING AS POSSIBLE SOLUTION; BURMA OPPOSED IT. SEVERAL
EUROPEAN DELEGATES, EGYPT AND IRAQ INDICATED VARYING DEGREES
OF FLEXIBILITY IN CONSIDERING PROBLEMS. REFERENCES TO ISLANDS
AND DELIMITATION BETWEEN NEIGHBORING STATES CONTINUED
TO REFLECT SHARP DIFFERENCES.

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B. ECONOMIC ZONE: AS DEBATE ON ECONOMIC ZONE CONTINUES, THERE IS VERY WIDESPREAD SUPPORT FOR CONCEPT. BASIC AREA OF AGREEMENT IS COASTAL STATE JURISDICTION OVER LIVING AND NONLIVING RESOURCES IN THE ZONE, WITH DIVIDED VIEWS ON COASTAL STATE DUTY TO ENSURE FULL UTILIZATION OF FISH STOCKS, AND RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES. MANY DELEGATES ARE ARGUING THAT JURISDICTION SHOULD NOT COVER RESOURCES ONLY, BUT SCIENTIFIC RESEARCH AND POLLUTION AS WELL, WHICH IS LEADING TO CONCEPTUAL ARGUMENTS ABOUT THE NATURE OF THE ECONOMIC ZONE THAT RENDER NEGOTIATION DIFFICULT. US MADE STATEMENT ON ECONOMIC ZONE AUGUST 1 URGING NEGOTIATION OF SPECIFICS, WARNING OF DANGERS TO CONFERENCE OF TERRITORIALIZATION OF ECONOMIC ZONE CONCEPT, AND STRESSING THAT ESSENCE OF ECONOMIC ZONE IS AN ACCOMMODATION OF PRIMARY COASTAL STATE INTERESTS IN RESOURCES WITH PRIMARY INTERESTS OF ALL STATES IN NAVIGATION AND OTHER USES.

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C. STRAITS: US INTERVENED IN PLENARY AND IN INFORMAL MEETING ON STRAITS TO EMPHASIZE NEED FOR UNIMPEDED PASSAGE OF STRAITS TO APPLY TO BOTH WARSHIPS AND COMMERCIAL VESSELS, WITHOUT DISCRIMINATION.

T. COMMITTEE III.

A. POLLUTION: COMMITTEE III INFORMAL SESSIONS ON MARINE POLLUTION COMPLETED TAKING PROPOSED AMENDMENTS TO AGREED AND ALTERNATIVE TEXTS PRODUCED BY SEABEDS COMMITTEE. MOST NOTABLE DEVELOPMENTS WERE (1) STRONG PUSH LED BY INDIA AND BRAZIL FOR TREATY LANGUAGE EXEMPTING THEM FROM INTERNATIONAL ENVIRONMENTAL OBLIGATIONS AND STANDARDS, AND (2) INTRODUCTION BY SEVERAL COASTAL STATES, INCLUDING CANADA, OF ARTICLES EMBODYING BASIC ZONAL APPROACH TO MARINE POLLUTION WITH HIGHER COASTAL STATES VESSEL CONSTRUCTION STANDARDS IN "EXCEPTIONAL AREAS" SMALL NEGOTIATING GROUP MET FOR FIRST TIME THURSDAY MORNING TO ATTEMPT

TO RESOLVE DIFFERENCES REFLECTED IN PROPOSED AMENDMENTS.
DOUBLE STANDARD ISSUE DOMINATED DISCUSSION, WITH INDIA MAKING
STRONG STATEMENT THAT EXPLICIT PROVISION NECESSARY IF DEVELOPING
COUNTRIES ARE TO SIGN TREATY.

B. SCIENTIFIC RESEARCH: THERE WERE FOUR MEETING OF THE INFORMAL
SESSION OF THE THIRD COMMITTEE DEVOTED TO SCIENTIFIC RESEARCH
THIS WEEK. EARLIER SESSIONS WERE GENERALLY CONTRUCTIVE IN TONE
WITH PRIMARY FOCUS ON US PROPOSALS. SOVIETS PROPOSAL, SUPPORTED
BY UK AND FRANCE, MADE DISTICNTION BETWEEN RESOURCE RELATED
RESEARCH FOR WHICH CONSENT SHOULD BE REQUIRED AND OTHER
RESEARCH WHICH SHOULD BE FREE. JAPAN AGREED WITH SOVIET
PROPOSAL BUT STATED CONSENT SHOULD NOT BE UNREASONABLY WITHELD AND
THAT NOTIFICATION SHOULD BE GIVEN FOR OTHER RESEARCH. SPAIN AND
BRAZIL CONTINUED TO FAVOR EXTREME CONSENT REGIME WHILE MEXICO
AND GUYANA ADVOCATED A QUALIFIED CONSENT REGIME. AUSTRIA
POINTEDLY STATED THAT THE REGIME IN THE ECONOMIC ZONE
MUST NECESSARILY BE DIFFERENT FROM THOS IN THE TERRITORIAL SEA
IF THE TWO AREAS ARE IN FACT TO BE FUNCTIONALLY DIFFERENT.
IN LATER SESSION, KENYA INTRODUCED PROPOSAL
SUPPORTED BY 16 OTHERS WHICH CALLED FOR AN UNQUALIFIED CONSENT
REGIME FOR RESEARCH IN THE ECONOMIC ZONE AND REGULATION
OF ALL SCIENTIFIC RESEARCH IN THE INTERNATIONAL AREA BY
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THE INTERNATIONAL AUTHORITY.

6. NEXT SESSION: AUSTRIA ANNOUNCED PERIOD 12 FEBRUARY
TO 17 APRIL, AND PERIOD 30 JUNE TO 15 SEPTEMBER COULD BE
AVAILABLE FOR NEXT SESSION LOS CONFERENCE. SCHEDULING FOR
EARLIER PERIOD WOULD REQUIRE POSTPONEMENT OF CONFERENCE
ON FRIENDLY RELATIONS.
STEVENSON

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